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General and complete disarmament: follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Note by the Secretary-General

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Iraq

[Original: Arabic]

[24 August 2000]

1. Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. The most effective guarantee against nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons. This is stated in the Final Document of the 1978 Tenth Special Session of the General Assembly, the first special session devoted to disarmament. In its paragraph 50, the Final Document calls for: the urgent negotiation of agreements for the cessation of the qualitative improvement of nuclear-weapon systems; cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes; and a comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.

The principles of and the steps required by the 1978 Final Document are still operative, and an effort must be made to elaborate mechanisms for their implementation within a specific time-frame.

2. There was subsequently the conclusion reached by the International Court of Justice in its advisory opinion of 8 July 1996 on the *Legality of the Threat or Use of Nuclear Weapons* to the effect that:

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

The advisory opinion reinforces the resolutions of the 1978 special session and gives them an added legal dimension that requires the States Members of the United Nations, and especially the nuclear-weapon States, to meet the obligation to pursue in good faith and bring to a conclusion negotiations leading to full nuclear disarmament under strict and effective international control.

3. For many decades the General Assembly has reaffirmed in its resolutions, as most recently in resolutions 54/54 P and Q, the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world. In the two latter resolutions, the Assembly also reiterates its call to the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons. Iraq, as a member of the Conference of Disarmament and of the United Nations, will continue its efforts together with other peace-loving States to achieve this objective.

4 All the peoples of the world have a vital interest in the success of nuclear disarmament negotiations. Although disarmament is the responsibility of all States, the nuclear-weapon States, especially those that have the most powerful nuclear arsenals, have a special responsibility for nuclear disarmament. Given this fact,

developments in recent years arouse the deepest concern, inasmuch as one of the nuclear-weapon States, the United States of America, persists in ignoring the legal and moral obligations imposed on it by the instruments indicated above, affirms its commitment to the doctrine of deterrence and nuclear blackmail, endeavours to create an arms-race atmosphere and violates the norms of proper international conduct and the Charter of the United Nations. Some examples of this are given hereunder.

(a) The United States is still continuing its attempts to evade its obligations under the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty). This affects not only the security interests of the parties to the treaty but also those of the international community as a whole, and it leads to a new arms race and threatens the very essence of strategic stability in the world and world peace.

(b) The United States made extensive use of depleted-uranium munitions against Iraq in 1991 and again against Yugoslavia in 1999. Depleted uranium is a type of radiation weapon that destroys life and the environment in the area in which it is used for generations to come. The use of depleted-uranium munitions against Iraq has led to a sharp increase in cases of cancer, miscarriages and births of deformed children in the same southern governorates of Iraq that served as the theatre in which these weapons were used. Their use caused the deaths of 50,000 Iraqi children in the following year. They also affected United States and British soldiers. The United States Veterans Administration surveyed 251 families of victims of Gulf war syndrome in Mississippi and found that 67 per cent of them had had severely deformed children after the war. The Baltimore Medical Center detected high levels of radiation in the urine of American soldiers five years after the Gulf war. The catastrophic consequences that the use of depleted uranium has had for man and the environment in Iraq and the neighbouring countries will persist for generations to come, given that it has transformed a large part of Iraq's territory into a contaminated and radioactive zone. Serious thought must be given to the elaboration of a convention to prohibit the use of depleted uranium in weapons, and until such time as a convention is in place States should declare a voluntary prohibition of the use of this weapon of mass destruction.

(c) Since 1991 the United States and the United Kingdom have been engaged in the unilateral use of force against Iraq in the unlawful no-flight zones, in flagrant violation of the Charter of the United Nations and, specifically, of the principle enunciated in its Article 2, paragraph 4, concerning the impermissibility of the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations. It is truly repugnant that two Arab States, namely Saudi Arabia and Kuwait, should be participating in this aggression against Iraq. Disarmament, the easing of international tension, respect for the right of peoples to national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations, and the promotion of international peace and security are all directly interconnected, and progress in one of these domains is beneficial for all the others just as failure in any one of them has an adverse impact on the rest. The use of unilateral force by the United States against Iraq has negative repercussions for the efforts of the international community to build a peaceful and stable international environment that will contribute to expediting the processes of disarmament.

(d) The United States is supporting and funding the Israeli nuclear armaments programme, and it is providing the screen behind which Israel can continue to violate its international commitments unmonitored and without being held to account. The latest manifestation of this unlawful cooperation is the agreement that Israel concluded with the United States on 22 February 2000 allowing Israeli experts to enter American nuclear installations and make use of their experience and expertise in developing nuclear technology. Satellite imagery of the Dimona reactor carried by some of the information media in August 2000 revealed that Israel possesses at least 200 nuclear warheads, and these nuclear weapons pose a serious and direct threat to Arab national security. It is well known that Israel refuses to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and to subject its nuclear installations to the comprehensive safeguards regime of the International Atomic Energy Agency. United States cooperation with Israel in the weapons field nevertheless continues, in violation of its commitments under the NPT, of which it is one of the depositaries.

5. It must be said, in conclusion, that the United Nations has a central role to play in expediting the processes of nuclear disarmament and saving the world from the catastrophe of a nuclear holocaust. Reference must be made in this connection to the fact that, if it is to remain faithful to its role, the United Nations must refuse to become an instrument in the service of the political objectives of one party or another in the international arena. The United Nations must not become entrapped in the tragic paradox of endeavouring, on the one hand, to save succeeding generations from the scourge of war and, on the other, of being used as a cover for the perpetration of the most heinous crime of genocide, as exemplified by the blanket sanctions imposed on Iraq that have thus far taken the lives of 1.5 million Iraqi civilians. This is a figure that exceeds that for all the victims of the use of weapons of mass destruction throughout history.